

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Andrew J. Ries

Examiner: Alyssa M. Alter

Serial No.: 10/632,058

Group Art Unit: 3762

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Docket No.: P0011122.00

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Title: SMALL FORMAT CONNECTOR CLIP OF AN IMPLANTABLE MEDICAL
DEVICE

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT UNDER 37 CFR 1.321**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The owner, Medtronic, Inc., having a place of business at 710 Medtronic Parkway, Minneapolis, MN, 55432, represents that it is the exclusive owner of the entire interest in the above-identified application (referred to as the "Subject Application") by virtue of an assignment recorded at Reel 014368, Frame 0163, on July 31, 2003.

Medtronic, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Application No. 11/632,028, claims 1-30. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assignees. The owner hereby agrees that any patent so granted on the instant application shall be

enforceable only for and during such period that it and the above listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assignees.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is the attorney or agent of record in this application.

Fees

Any required fee under 37 CFR § 1.20(d) will be paid at the time of submission via EFS-Web. In the event fees are not or cannot be paid at the time of EFS-Web submission, please charge any fees under 37 CFR § 1.20(d), or 37 CFR § 1.136(a) (extension of time fees), or any additional fees associated with the prosecution of this application to Deposit Account 13-2546.

Please credit any overpayment to the same deposit account.

Respectfully submitted,

December 11, 2009
Date

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